

REMARKS/ARGUMENTS

By this Amendment, the specification is amended, Claim 6 is canceled, Claims 1, 4, 5, 7, 8, 10, 12, 15, 16, 17, 18 and 19 are amended. Claims 1-5 and 7-19 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The drawing has been objected to because it includes reference numbers 24 and 25, which are not mentioned in the Specification. By the subject Amendment the Specification has been amended on page 9 to now state "For example, the ornament may be reminiscent of the shape of a flower 20 with flexible connection means 27 being mounted *to a connection part 24 located* on an intended underside of the head or bloom 21 of the ornament 20 *and a connection part 25 provided at* an intended upper end 22a of the stem." (Emphasis added).

Accordingly it is respectfully submitted that the objection to the drawing has been obviated.

Claims 1, 4, 5, 10, 15, 19 and 20 were rejected under 35 U.S.C. §112 as being indefinite. In particular, Claims 1, 15 and 19 included the phrase "in use," which was considered unclear. Claim 4 depended upon itself. Claim 5 was deemed unclear regarding if the term "hollow or solid" referred to the "rubber tube." Claim 8 was deemed unclear as to the terms "dome-like" and "the intended underside." Claim 10 was deemed unclear as to the term "intended distal end." Claim 19 was deemed to have no antecedent basis for the term "said bell member." By the subject Amendment all of those claims have been rewritten to bring them into full compliance

with the mandates of 35 U.S.C. §112. In addition other of the claims have also been amended in the interest of clarity. All of the changes to the claims are fully supported by the Specification.

All of the claims of this application stand rejected over prior art. In particular, Claims 1 - 3, 11, 17 and 18 stand rejected as being fully anticipated by U.S. Patent No. 206,387 (Bowen). Claims 1, 2, 5 - 9 and 15 - 19 stand rejected as being fully anticipated by U.S. Patent No. 3,452,476 (Kise). Claims 4, 10, 12, 13 and 14 stand rejected as being obvious over the Bowen reference.

Claim 1 has been amended by the subject Amendment to call for the following combination of features not shown or suggested by either Bowen or Kise. In particular, Claim 1 now specifies an "artificial" ornament, which is in the shape of a fungus or plant and which includes: (1) a head member, (2) a stalk member, (3) flexible connection means which renders the head movable with respect to the stalk member, and (4) with the stalk member having a connection part which comprises a screw thread at one end thereof which engages the flexible connection means.

The Bowen and Kise patents disclose devices for holding natural portions of trees, flowers, etc. For example, Bowen discloses an artificial tree or branch provided with "fangs, pins or studs" for receiving and sustaining in position "flowers, twigs, boughs, leaves, blossoms, blooms, etc." Kise discloses a connector and a support for "natural flowers." The natural flowers are releasably secured to the artificial stem of Kise by snap, push or interference fittings. Neither Bowen nor Kise disclose that the entire device or ornament is artificial. In fact, both of these

references contemplate that the natural flowers, etc., mounted and supported on the artificial part of the device will be replaced as needed (e.g., be interchangeable).

In contradistinction, the subject invention relates to an artificial ornament. That ornament is particularly suited to be located outdoors or in other locations where it may be exposed to wind or drafts. In fact, the ornaments of the subject invention are designed sway naturally in the breeze when located outdoors. The head portion of the subject ornaments, e.g., the portion representing the flower or fungus head, is arranged to be securely and rigidly held in place once mounted on the stalk member so as to be resistant to separation. This is of considerable importance when placing the ornament of the subject invention outdoors or in windy or drafty environments, a use not contemplated for the devices of the Bowen and Kise patents.

The importance of this feature is found in the Specification on page 8, lines 1 - 9 disclosing the combined action of the screw-thread and spring (e.g., flexible connection means) can provide a very secure connection between the stalk and the flexible connection means. Such a good connection is important when placing the ornament of the invention outside, or in another location where it will be exposed to wind or drafts, because it will ensure that the components cannot become separated during use.

There is no disclosure nor suggestion in Bowen or Kise of use of screw threads to secure their head members to their stalk members. In fact, since the head members are natural items which would presumably be replaced frequently, these references would seem to teach away from the use of screw threads to effect the flexible connection between the head member and the stalk member.

Accordingly, it is respectfully submitted that Claim 1, as amended, is patentable over the art of record.

Claims 2 – 5 and 7 – 16 depend directly or indirectly upon Claim 1 and are hence patentable for reasons similar thereto.

Claim 17 is an independent claim directed to the method of forming an artificial plant shaped or fungus shaped garden ornament. This claim has been amended in a manner consistent with the amendment to Claim 1. Thus, for the same general reasons given with respect to Claim1, it is respectfully submitted that Claim 17 is patentable over the art of record.

Claim 18 is an independent claim directed to a kit of parts for an artificial garden ornament. This claim has been amended in a manner consistent with the amendment to Claim 1. Thus, for the same general reasons given with respect to Claim1, it is respectfully submitted that Claim 18 is patentable over the art of record.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

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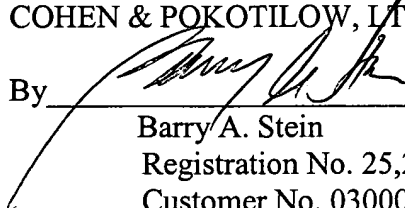
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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